

Applicability of the Javits-Wagner-O'Day (JWOD) Act

The Committee for Purchase From People Who Are Blind or Severely Disabled is the independent Federal agency that administers the JWOD Program. The JWOD Act refers to "any entity of the Government." It is the Committee's policy that all Federal departments, agencies and corporations fall under the jurisdiction of the JWOD Act unless they can clearly show otherwise based upon the definitions below.

41 U.S.C. §48 "If any entity of the Government intends to procure any commodity or service on the Procurement List, that entity shall, in accordance with rules and regulations of the Committee, procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such an agency for other severely handicapped.

41 U.S.C. §48 b.(7) The terms "Government" and "entity of the Government" include any entity of the legislative branch or the judicial branch, any executive agency or military department (as such agency and department are respectively defined by **sections 102 and 105 of Title 5**), the United States Postal Service, and any non-appropriated fund instrumentality under the jurisdiction of the Armed Forces.

Sections 101 through 105 of Title 5 U.S.C.

5 U.S.C. §101. Executive Departments

The Executive Departments are:

- The Department of State.
- The Department of the Treasury.
- The Department of Defense.
- The Department of Justice.
- The Department of the Interior.
- The Department of Agriculture.
- The Department of Commerce.
- The Department of Labor.
- The Department of Health and Human Services.
- The Department of Housing and Urban Development.
- The Department of Transportation.
- The Department of Energy.
- The Department of Education.
- The Department of Veterans Affairs.

5 U.S.C. §102. Military Departments

The Military Departments are:

- The Department of the Army.
- The Department of the Navy.
- The Department of the Air Force.

5 U.S.C. §103. Government Corporation

For the purpose of this title, “Government Corporation” means

- (1) “Government corporation” means a corporation owned or controlled by the Government of the United States; and
- (2) “Government controlled corporation” does not include a corporation owned by the Government of the United States.

5 U.S.C. §104. Independent Establishment

For the purpose of this title, “Independent Establishment” means

- (1) an establishment in the executive branch (other than the United States Postal Service or the Postal Rate Commission) which is not an Executive department, military department, Government corporation, or part thereof, or part of an independent establishment; and
- (2) the General Accounting Office.

5 U.S.C. §105. Executive Agency

For the purpose of this title, “Executive Agency” means an Executive department, a Government corporation, and an independent establishment.

*Pursuant to **Chapter 91 of Title 31 U.S.C.**, the Committee has determined that all wholly owned Government corporations clearly fall under the jurisdiction of the JWOD Act. With respect to mixed-ownership Government Corporations, the Committee makes case-by-case determinations based upon the mixed-ownership Government Corporation’s statute.*

Chapter 91 of Title 31 (31 U.S.C. §9101.) Definitions

In this chapter--

- (1) “Government corporation” means a mixed-ownership Government corporation and a wholly owned Government corporation.
- (2) “mixed-ownership Government corporation” means--
 - (A) Amtrak.
 - (B) the Central Bank for Cooperatives.
 - (C) the Federal Deposit Insurance Corporation.
 - (D) the Federal Home Loan Banks.
 - (E) the Federal Intermediate Credit Banks.
 - (F) the Federal Land Banks.
 - (G) the National Credit Union Administration Central Liquidity Facility.
 - (H) the Regional Banks for Cooperatives.
 - (I) the Rural Telephone Bank when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).
 - (J) the Financing Corporation.
 - (K) the Resolution Trust Corporation.
 - (L) the Resolution Funding Corporation.
- (3) “wholly owned Government corporation” means--
 - (A) the Commodity Credit Corporation.

- (B) the Community Development Financial Institutions Fund.
- (C) the Export-Import Bank of the United States.
- (D) the Federal Crop Insurance Corporation.
- (E) Federal Prison Industries, Incorporated.
- (F) the Corporation for National and Community Service.
- (G) the Government National Mortgage Association.
- (H) the Overseas Private Investment Corporation.
- (I) the Pennsylvania Avenue Development Corporation.
- (J) the Pension Benefit Guaranty Corporation.
- (K) the Rural Telephone Bank until the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).
- (L) the Saint Lawrence Seaway Development Corporation.
- (M) the Secretary of Housing and Urban Development when carrying out duties and powers related to the Federal Housing Administration Fund.
- (N) the Tennessee Valley Authority.
- (O) the Uranium Enrichment Corporation.
- (P) the Panama Canal Commission.
- (Q) the Alternative Agricultural Research and Commercialization Corporation.

Note: When the Committee determines that based upon the law establishing a mixed-ownership Government corporation, it is not clear that said corporation must abide by the JWOD Act, the corporation remains eligible to voluntarily purchase JWOD supplies and/or services. Such entities supporting socio-economic goals would likely choose to support the JWOD Program. Examples--Smithsonian Institution, Securities and Exchange Commission, and the Federal Reserve Board.